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OFFICE OF PETITIONS

In re Application of :
Mehta, et al. :
Application No. 10/694,150 : DECISION DISMISSING PETITION
Filed: October 27, 2003 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 2003B107 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed May 13, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to the prior-filed applications listed in the concurrently filed amendment.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The amendment as drafted is unacceptable. Appropriate benefit claims must be made in each intermediate application in the chain of prior applications. Petitioners are informed that the Office database does not list Application No. 09/734,479 as a continuation-in-part of PCT/US00/33612. A review of Application No. 09/734,479 reveals no reference to PCT/US00/33612, let alone a claim of benefit to it.

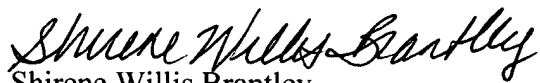
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Any questions concerning this matter may be directed to the undersigned at (571) 272-3230.


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